

REMARKS

In the Office Action of March 21, 2003, claims 1-18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Palmer (U.S. Patent No. 6,494,203 B1) in view of Webb (U.S. Patent No. 4,676,241).

Applicants respectfully submit that claim 1 defines over the combination of Palmer and Webb. The combination of references does not disclose a connector with a body that has a passage disposed from a first end to a second end that changes at a single constant angle of approximately 120° between the first and second ends. Support for this Amendment may be found in at least Figures 1-3 and 6 of Applicants' application and related discussion that disclose the connector 10 having a passage 16 that changes direction at a single constant angle.

Referring first to Palmer, this reference discloses an apparatus 30 that is in the shape of an elbow (see Palmer at column 3, lines 62-65). As such, the adaptor 44 has a bell housing 80 that is disposed at a 90° angle to bell housing 46 (see Palmer at column 4, lines 26-30).

Turning now to Webb, this reference also fails to disclose a connector with a passageway from a first end to a second end that changes direction at a single constant angle of approximately 120°. Webb discloses a resilient plastic swivel connector 15 that has a first end piece 19 engaged with a central member 31. A second end piece 45 is engaged with the central member 31 on an opposite end from the first end piece 19. An angle 29 of 135° is formed between the axis 27 of the central member 31 and the axis 25 of the first end piece 19

(see Webb at column 2, lines 54-55). Additionally, an angle 43 of 135° is formed between the axis 27 of the central member 31 and the axis 41 of the second end piece 45 (see Webb at column 3, lines 5-7). Therefore, the angle between the first end piece 19 and the second end piece 45 is not 135° , but is instead at an angle of 90° (see Fig. 4 of Webb). Applicants are providing a marked up copy of Figure 4 of Webb which shows the angle between the first end piece 19 and the second end piece 45 being 90° . Therefore, the resilient plastic swivel connector 15 in Webb has a passage that changes direction twice between the first end piece 19 and the second end piece 45.

It would not have been obvious to one skilled in the art to modify Webb such that the passage changes at a single constant angle of approximately 120° between the first end piece 19 and the second end piece 45. This is because Webb specifically teaches a resilient plastic swivel connector 15 that has a central member 31 in rotational engagement with the first end piece 19 and the second end piece 45. In this configuration, multiple positions are obtainable in order to allow the patient 13 to move relative to hosing 18 connected to the resilient plastic swivel connector 15 such that painful movement is eliminated (see Webb at column 3, line 66 - column 4, line 17). As such, Webb specifically teaches one skilled in the art the use of a central member 31 that has a pair of end pieces 19, 45 rotatably mounted thereon in order to reduce twisting of hosing connected thereon and improve patient comfort. Modifying the resilient plastic swivel connector 15 such that it employs a single constant angle would go explicitly against the teachings of Webb because doing so would eliminate the

desired angular movement between the first end piece 19 and second end piece 45, which is explicitly taught by the reference.

Accordingly, Applicants respectfully submit that claim 1 as amended and discussed herein patentably distinguishes over the combination of Webb and Palmer and is in condition for allowance. Likewise, Claims 2-8 which depend either directly or indirectly from claim 1 are also in condition for allowance. Their rejections being made moot due to the allowance of claim 1.

As stated, claim 9 was rejected over the combination of Palmer and Webb. Applicants have amended claim 9 such that it calls for a connector that has a single constant angle of greater than 90° and less than 180° between a first and second axis of a first and second section. As stated above with respect to claim 1, Webb teaches a resilient plastic swivel connector 15 that has an axis 25 of the first end piece 19 at an angle of 90° to an axis 41 of a second end piece 45. Further, rotation of the first end piece 19 and the second end piece 45 about the central member 31 causes multiple positions between the two positions shown in Figs. 4 and 5 of Webb to be realized (see Webb at column 4, lines 13-16).

As such, Applicants respectfully submit that claim 9 defines over the combination of Palmer and Webb and is in condition for allowance. Also, all claims which depend from claim 9 (claims 10-17) are also in condition for allowance. Their rejections being made moot due to the allowance of claim 9.

As stated in the Office Action of March 21, 2003, claim 18 was rejected over the combination of Palmer and Webb. Applicants have amended claim 18

such that it calls for a connector with a body having about a 120° single constant bend between a first end and a second end. This structure is not disclosed in Palmer or Webb either alone or in combination with one another for essentially the same reasons as discussed above with respect to claim 1. As such, Applicants respectfully submit that claim 18 defines over the combination of Palmer and Webb and is in condition for allowance.

With the present Amendment, Applicants submit that all pending claims are allowable and that the Application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

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